

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17953 of 2004

Between:

- 1 Nasina Venkata Ramanamma, W/o.Gopi,
Schedule Tribe, R/o.Kodurupadu Village,
Nellore Rural Mandal, Nellore Dist.
- 2 Ponnaloori Shanthi, W/o.Venkataramanaiah,
Schedule Tribe, R/o.Kodurupadu Village,
Nellore Rural Mandal, Nellore Dist.
- 3 Eaga Ramanamma, W/o.Penchalaiah,
Schedule Tribe, R/o.Kodurupadu Village,
Nellore Rural Mandal, Nellore Dist.
- 4 Chilakooru Munemma, W/o.Chechuramaiah,
Schedule Tribe, R/o.Kodurupadu Village,
Nellore Rural Mandal, Nellore Dist.
- 5 Manepalli Sugunamma, W/o.Yodha,
Schedule Tribe, R/o.Kodurupadu Village,
Nellore Rural Mandal, Nellore Dist.
- 6 Thatuku Rajeswarai, W/o.Raja
Schedule Tribe, R/o.Kodurupadu Village,
Nellore Rural Mandal, Nellore Dist.
- 7 Allam Annapoorna, W/o.Madhusudan Rao,
Schedule Tribe, R/o.Kodurupadu Village,
Nellore Rural Mandal, Nellore Dist.
- 8 Thambi Kalyani, W/o.Venkataramaiah,
Besta Caste R/o.Kodurupadu Village,
Nellore Rural Mandal, Nellore Dist.
- 9 Kuruni Sarasamma, W/o.Seenaiah,
Besta caste R/o.Kodurupadu Village,
Nellore Rural Mandal, Nellore Dist.

..... PETITIONERS

AND

- 1 The District Collector, Nellore District.
- 2 The Revenue Divisional officer, Nellore Dist.
- 3 The Mandal Revenue Officer, Nellore Rural Mandal, Nellore District.
- 4 The Station House Officer, Rural P.S.Nellore, Nellore Dist.
- 5 The Kodurupadu Gram Panchayat, rep.by its Sarpanch, Kodurupadu Village, Nellore Rural Mandal
Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declare the inaction more particularly on the part of the 3rd respondent in dispossessing the petitioners from the lands in S.Nos.445/A1, 445/A5, and 445/A6 for an extent of Ac.0.03 cents each out of total extents Ac.19.71 cents of Kodurupadu village, Nellore Rural Mandal, Nellore Dist. without issuing any notice and without following due process of law despite the petitioner's representations are pending for assignment of house site pattas in the said land amounts to erroneous, arbitrary and contrary to law and violative of Arts. 14, 21 and 300(A) of the Constitution of India and consequently direct the respondents not to dispossesses the petitioners from the lands in S.Nos.445/A1, 445/A5 and 445/A6 for an extent of Ac.0.03 cents each out of total extents Ac. 19.71 cents of Kodurupadu village, Nellore Rural Mandal, Nellore Dist. and to pass.

Counsel for the Petitioner:MR.T.C.KRISHNAN

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue. With their consent, the writ petition itself is taken up for final disposal at the stage of admission.

Petitioners are claiming to be in possession of land in an extent of Ac.19.71 cents, in Sy.Nos.445/A1, 445/A5 and 445/A6, wherein they have erected thatched huts within Ac.0.03 cents each and are residing therein from the date of their occupation. Petitioners made a representation to the 3rd respondent stating that they are landless poor belonging to backward class community and requested the 3rd respondent to assign the said land as house site pattas in their favour. They also made another representation, dated 06-09-2004, to the 1st respondent, seeking assignment of lands in their favour. While so, the officials of the 3rd respondent visited the subject land and ordered for their eviction. Apprehending that the respondents may evict them at any time, the present writ petition has been filed.

Learned Government Pleader for Revenue submitted that without there being any cause of action and merely on apprehension, the present writ petition is filed, and the same is premature and is not maintainable.

In the circumstances of the case, without expressing any opinion on the merits of the case, I deem it appropriate to direct the respondents to consider the representations said to have been made by the petitioners for assignment of land in their favour, and pass appropriate orders in accordance with law. If for any reason, the petitioners are found to be not entitled for assignment of the subject land, they shall be put on notice. However, it is needless to mention that before passing any order of eviction, the respondents shall follow the due process of law.

With the above observations, the writ petition is disposed of. No order as to costs.

A.GOPAL REDDY,J

Dated:05-10-2004

Note: Furnish C.C. in one week

(B/o) GJ

To

- 1 The District Collector, Nellore, Nellore District.
- 2 The Revenue Divisional officer, Nellore, Nellore District.
- 3 The Mandal Revenue Officer, Nellore Rural Mandal, Nellore District.
- 4 The Station House Officer, Rural P.S.Nellore, Nellore Dist.
- 5 The Kodurupadu Gram Panchayat, rep.by its Sarpanch, Kodurupadu Village, Nellore Rural Mandal, Nellore Dist.
6. Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad (OUT)
7. Two C.D. copies.

